

REMARKS

At the top of page 3 of the December 16, 2008 Office Action, it was stated that claims 27-36 and 63 were rejected under 35 U.S.C. §102(e) as being anticipated by Salo et al. In the detailed substantiation of that rejection, however, it appears that the Examiner intended to reject claims 27-43 and 47-63 as being anticipated by Salo et al.

Claims 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Salo et al in view of Paul et al.

The Salo et al reference has an effective date for prior art purposes as of its United States filing date which is November 7, 2003. Applicants herewith submit a Declaration Under 37 C.F.R. §1.131 establishing a date of invention in Sweden (a WIPO country) that is at least as early as September 17, 2003. Since the date of conception and reduction to practice in Sweden pre-dates the effective prior art date of the Salo et al reference, the Salo et al reference is not available as prior art against the subject matter claims in the present application.

The establishment of this earlier date of invention overcomes both of the anticipation and obviousness rejection based on Salo et al.

Since the Salo et al reference was cited for the first time in the Office Action dated December 16, 2008, there was no need for Applicants to submit the enclosed Declaration at an earlier time during prosecution. Entry of the present response following the final rejection is therefore proper under the provisions of 37 C.F.R. §1.116, and entry and consideration of this response are therefore respectfully requested.

All claims of the application are submitted to be in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

Steven H. Noll (Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.

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